

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS**

May 4, 2000

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, May 4, 2000, at 2:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. William Rider, Chairman; Mr. William Barr, Vice Chairman; Mrs. Peg Mailler, Mr. John Meadows, Mr. Eugene Lofdahl and Mr. James VanLuven. Also present were Mr. Kevin Burke, Deputy County Attorney; Mrs. Carolyn Bowen, Zoning Administrator; Mr. Fred Hodge, Planner, and Mrs. Beverly Pullen, Zoning Office Technician. Dr. James Branscome was absent.

MINUTES

The minutes of the April 6, 2000 meeting were approved as distributed.

LETTERS OF NOTIFICATIONS

PUBLIC NOTICE Mrs. Bowen stated that to the best of her knowledge, the cases before the Board of Zoning Appeals for a public hearing have been properly advertised, posted, and letters of notification sent to adjoining property owners.

SPECIAL PERMIT #45487

WALNUT GROVE BAPTIST CHURCH TRUSTEES (OWNERS)

Applicants are requesting special permit approval for an addition to the existing church. The proposed addition will be used for Sunday school classrooms. The subject property is identified as PIN #6992-88-8892-000 contains 1.084 acres, is located at the intersection of Meetze Road (State Route 643) and Turkey Run Road (State Route 779) and is zoned Residential-1, in Cedar Run District.

Mr. Hodge reviewed the staff report.

Mr. George Cephas spoke on behalf of Walnut Grove Baptist Church. He stated that the would like to add onto the existing church, the proposed addition will be 28 x 28.

Mr. Rider asked if they could meet the setback requirements and Mr. Cephas stated they could.

Mrs. Bowen stated that the Zoning Ordinance requires special permit approval for expansion of a place of worship.

Mr. Lofdahl asked if comments had been received from the Health Department.

Mr. Hodge stated that an application has not been made as of yet.

Mr. Rider stated that the special permit may be conditioned upon Health Department approval.

Mr. Rider asked if anyone wished to speak regarding this request.

No one spoke.

On the motion made by Mrs. Mailler, and seconded by Mr. Lofdahl, it was moved to grant special permit #45487, after due notice and hearing, as required by Code of Virginia §15.2-2204 and Section 5-009 of the Fauquier County Code, based upon the Board's findings:

1. The proposed use will not adversely effect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question, namely:

Section 5-602 Additional Standards for Places of Worship

Uses proposed in conjunction with places of worship shall be subject to regulations applicable to such use (e.g. schools, athletic facilities).

5. The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance:
 - (a) Fauquier County Health Department approval.

The motion carried unanimously.

SPECIAL PERMIT #45470

MOUNT HOLLY BAPTIST CHURCH TRUSTEES (OWNERS)

Applicants are requesting special permit approval for an addition to the existing church. The proposed addition will be used for Sunday school classrooms. The subject properties are

identified as PIN# 6895-48-1870-000, and PIN #6895-49-2009-000 contains 4.25 acres, is located at 6172 Sumerduck Road (State Route 651), and is zoned Residential-1, in Lee District.

Mr. Hodge reviewed the staff report and stated that on March 4, 1999 the BZA granted special permit approval for the location of a temporary classroom trailer. He stated that the church has applied for special permit approval for the construction of the permanent addition.

Mr. Wilson Clatterbuck, Trustee, and Rev. Davis of Mount Holly Baptist Church were present to speak regarding their request. Mr. Clatterbuck stated that the addition would be used for Sunday School classrooms. He indicated that the foundation of the one-story church building was tested and is structurally sound for the addition of the second-floor. He stated that the proposed addition would be about 3,600 square feet.

Mr. Rider asked if the Health Department had been contacted.

Mr. Clatterbuck stated that the present septic system will have to be relocated, but they have not made application as of yet.

Mr. Lofdahl asked for clarification on the drawing as submitted, and Mr. Clatterbuck explained the drawing and stated that the total square footage of the existing and proposed addition would be about 5,400 square feet.

Mr. Rider asked if anyone wished to speak regarding this request.

No one spoke.

On the motion made by Mr. Meadows, and seconded by Mr. Lofdahl, it was moved to grant special permit #45470, after due notice and hearing, as required by Code of Virginia §15.2-2204 and Section 5-009 of the Fauquier County Code, based upon the Board's findings:

1. The proposed use will not adversely effect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question, namely:

Section 5-602 Additional Standards for Places of Worship

Uses proposed in conjunction with places of worship shall be subject to regulations applicable to such use (e.g. schools, athletic facilities).

5. The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance:

- (a) Fauquier County Health Department Approval.
- (b) The proposed addition limited to 3,600 square feet.

The motion carried unanimously.

SPECIAL PERMIT #45503

ASPEN PROPERTIES LLC (OWNERS)

RICHARD AND KATHLEEN FITZSIMMONS (CONTRACT OWNERS)

Applicants are requesting special permit approval to continue operating a Residential Care Facility on leased 6.73 acres of 21.8 acres. Applicants are requesting to increase the number of residents to twenty (20). The subject property is identified as PIN#7828-40-2249-000, is located at 3493 Midland Road (State Route 610), and is zoned Rural Agricultural, in Cedar Run District.

Mr. Hodge reviewed the staff report and stated that the BZA granted special permit approval for a residential care facility on March 4, 1999 for ten (10) residents.

Richard and Kathleen Fitzsimmons were present to speak regarding their request. Mrs. Fitzsimmons stated that the previous permit was issued for one year from site plan approval, July 2, 1999. She further stated that this request is to continue operating the Residential Care Facility and increase the number of residents to twenty (20). She stated that they have made application with the Fauquier County Health Department for expansion of the current sewage disposal system. Mrs. Fitzsimmons explained that the facility has had three unannounced site inspections from the State Licensing Agency, and one scheduled site inspection.

Mr. Rider asked Mrs. Fitzsimmons how many residents the home could accommodate and she stated that twenty (20) residents could be accommodated legally.

Mr. Rider asked Mrs. Fitzsimmons the names of the agencies that conduct site inspections.

Mrs. Fitzsimmons stated that the Department of Social Services, Interdepartmental Regulatory Health Agency, Fire Marshall, and others inspect the facility on a regular basis.

Mr. Lofdahl inquired as to the capacity since the opening of the facility last July.

Mrs. Fitzsimmons stated that they have remained at eight (8) residents, due to staffing ratios. She explained that the state requires one (1) house parent per (10) residents, but she has kept the ratio to one (1) house parent per eight (8) residents, as she felt she could be more effective in providing for the care.

Mr. Meadows asked what percentage of residents were from Fauquier County.

Mrs. Fitzsimmons stated that 73% of residents were from Fauquier County, and the remaining 27% from Stafford, Spotsylvania, and surrounding counties.

Mr. Rider asked Mrs. Fitzsimmons to explain the seven (7) phone calls taken by the Fauquier County Sheriff's Office since last July, 1999.

Mrs. Fitzsimmons explained each incident to the BZA, and stated that only two calls were regarding missing residents. She further explained that if a resident is missing for more than fifteen minutes, she has to report it as a runaway.

Mr. Meadows inquired about the ages of the two missing residents, and she stated they were sixteen years old.

Mr. Rider asked if the age of the residents remains 11-17 years of age, and she stated that it does.

Mr. Barr asked if any of the opposing parties from last year's hearing had visited the home since it's opening.

Mrs. Fitzsimmons stated that many of them have visited, and some have even volunteered at the facility.

Mr. Rider asked Mrs. Fitzsimmons if she resides at the facility, and she stated that she lived on site as promised for six months, but that it is not required for her to live there.

Mr. Rider inquired as to the ratio required at night, and she responded that one (1) house parent per sixteen (16) residents is required during sleeping hours.

Mr. Rider asked if VDOT had required any improvements to the entrance, and she responded that they had not.

Mr. Meadows cited concerns with the approaching summer vacation, and how the children would be kept busy.

Mrs. Fitzsimmons stated that the summer program will include many activities, along with jobs, and field trips, etc.

Mr. Rider asked if anyone wished to speak regarding this request.

Mr. Bill Wise spoke in support of the request. He stated that he currently works for Mr. and Mrs. Fitzsimmons at the Somerville Youth Home. He cited support with regard to Mrs. Fitzsimmons' knowledge in relating to the youth and re-aligning their priorities.

Mr. Dan O'Connell spoke on behalf on Mr. and Mrs. Hitchings, adjoining property owners. He cited concerns with adequate summer care; the qualifications of the Fitzsimmons' to operate the facility; improvements needed to the entrance; dust problems of traffic; lighting problems; real estate value; and animal control.

Mrs. Hitchings spoke in opposition to the special permit request. She read a statement and asked the BZA to take additional time to consider their concerns. She cited concerns with animal/pet control; traffic patterns and dust problems from the traffic; lighting problems; financial management; summer care (since the facility has not been open for one full summer as of yet); and noise from the children and disturbing their enjoyment of their property. She submitted conditions she wished imposed, a copy of which is attached to these minutes.

Mr. Rider stated that the BZA has had no opportunity to review the materials, since they were not submitted prior to the hearing.

Mr. Lofdahl asked Mrs. Hitchings if she had visited the facility, and she stated that she and her husband had not, as they did not feel welcome.

Ms. Margaret Een, of New Baltimore, spoke in support for the facility. She stated that she visited the facility in the fall and made baskets with the children. She supports the facility, as she feels there is a great need for more places like this, and the children are receiving discipline, love and special care.

Ms. Jamie Cooper spoke in opposition to this request. She cited concerns with the number of residents, the financial burden to the county, and the need for an emergency plan. She stated that she supports the conditions as requested by Mrs. Hitchings.

Mrs. Fitzsimmons spoke in response to the concerns cited. She stated that the facts as represented are incorrect. She further stated that she agrees with the problems with the use of the entrance to this facility, and would be willing to place one-way signs, etc. She stated that no additional lighting had been added. She also stated that she is not exempt from local taxes, and does pay County taxes.

On the motion made by Mr. Meadows, and seconded by Mrs. Mailler, it was moved to close the public hearing, and defer special permit #45503 until the June 1, 2000 meeting.

The motion carried unanimously.

SPECIAL PERMIT #45626

MAIN STREET LIMITED PARTNERSHIP (OWNERS)

Applicant is requesting renewal of a previously approved special permit. The subject properties are identified as PIN#6969-89-6085-000, PIN#6969-88-1625-000, and PIN#6969-89-2054-000, contains approximately 8.69 acres, are located on the east side of Old Stockyard Road (State Route 1001), and are zoned Commercial-3, in Marshall District.

Mr. Hodge reviewed the staff report and stated that the BZA approved special permit #44059 on May 6, 1999 for Automobile Sales, Rental and Service, for Marshall Ford. He stated that Marshall Ford has not sold their present property, and therefore is not able to proceed with the purchase of the subject properties until such time.

Mr. David Baird, of Marshall Ford, spoke in support of this request. He stated that he needs additional time to secure a buyer for his property, and would like a one-year renewal of the permit.

Mr. Rider asked if anyone wished to speak regarding this request.

No one spoke.

On the motion made by Mr. Lofdahl, and seconded by Mr. Meadows, it was moved to grant special permit #45626 for a one-year extension of previously issued special permit #44059 with the same conditions as issued with the original permit.

The motion carried unanimously.

SPECIAL PERMIT #45625

WILLIE H. AND KATHERINE M. WASHINGTON (OWNERS)

KASTLE GREENS GOLF CLUB (APPLICANT)

Applicant is requesting special permit approval to locate two (2) directional signs of two (2') square feet on property identified as PIN #7808-21-7316-000, contains approximately 8.58 acres, is located on Ritchie Road (State Route 644) and Marsh Road (State Route 17), and is zoned Rural Agriculture, in Cedar Run and Lee Districts.

Mr. Hodge reviewed the staff report and stated that a site visit was conducted earlier today. He stated that on September 3, 1998 the BZA granted approval for a directional sign to be placed at Midland at the intersection of Route 28 and 610. The Virginia Department of Transportation recently widened Route 28 and straightened the road at Midland, which has left the previously used sign more than 100 feet from the travel lanes, rendering the approved directional sign useless.

Mr. Gary Cordova of Kastle Greens Golf Club spoke regarding this request. He stated that the previously granted sign will be removed, as the sign is ineffective in directing clients to the golf course. He stated that the location of the proposed signs on Route 17 would be located approximately three-hundred (300') feet before the turn onto Ritchie Road (State Route 644) on the both the north and southbound sides.

Mr. Lofdahl asked Mr. Cordova if there would be any signage on Route 28, and he replied that he is currently working with Virginia Department of Transportation for the placement of allowable signage.

Mr. Rider asked if anyone wished to speak.

No one spoke.

On the motion made by Mr. Van Luven, and seconded by Mr. Barr, it was moved to grant special permit #45625, after due notice and hearing, as required by Code of Virginia §15.2-2204 and Section 5-009 of the Fauquier County Code, based upon the Board's findings:

1. The proposed use will not adversely effect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance:

- (a) The directional signs shall be two (2) square feet in size and a maximum of six (6) feet tall.

The motion carried unanimously.

VARIANCE #45627

BRUCE A. AND JUDI K. ABBOTT (OWNERS)

Applicants wish to construct a detached garage three (3') feet from a side property line, wherein the Zoning Ordinance requires twenty-five (25') feet. The subject property is identified as PIN#7914-83-5944-000, contains 5.00 acres, is located at 4121 Ringwood Road (State Route 669), and is zoned Rural Residential-2, in Cedar Run District.

Mr. Hodge reviewed the staff report and stated that a site visit was conducted earlier.

Mr. and Mrs. Abbott were present in support of their request. Mr. Abbott stated they wanted to locate the garage closer to the house for safety and security reasons.

Mr. Rider stated that a variance cannot be granted as a matter of convenience, and he feels that there is ample room to locate a detached garage on the property and meet the setback requirements of twenty-five (25') feet.

Mr. Abbott asked the BZA to show him where they felt the garage could be located.

Mr. Meadows showed Mr. Abbott an alternate location on the plat.

Mr. Lofdahl inquired as to the size of the proposed garage, and Mr. Abbott explained that they would like to have a two-car garage, and would like to have extra room for other uses.

Mr. Barr stated that he does not understand the hardship, and the request seems a matter of convenience.

Mr. Abbott stated that he understands and has tried to locate the garage elsewhere on the property.

Mr. Rider asked if anyone wished to speak.

No one spoke.

On the motion made by Mr. Lofdahl, and seconded by Mrs. Mailler, it was moved to disapprove Variance #45627, based on the Board's findings, after due notice and hearing, as provided by §15.2-2204 of the Code of Virginia:

1. Strict application of the Ordinance would not effectively prohibit or unreasonably restrict use of the property;
2. The granting of the variance will not alleviate a clearly demonstrable hardship approaching confiscation, and is not distinguished from a special privilege or convenience sought by the applicant.
3. Any hardship or restriction on the use of the property is not by reason of:
 - (a) the exceptional narrowness, shallowness, size or shape of the property at the time of the effective date of the ordinance;
 - (b) exceptional topographic conditions or other extraordinary situation or condition of the property;
 - (c) exceptional topographic conditions or other extraordinary situation or condition of property immediately adjacent thereto.
4. The variance will not be in harmony with the intended spirit and purpose of the Ordinance, and would not result in substantial justice being done.

5. The strict application of the Ordinance will not produce undue hardship.
6. Such hardship is generally shared by other properties in the same zoning district and the same vicinity, and is of so general and reoccurring a nature as to make reasonably practical the formation of a general regulation to be adopted as an amendment to the Ordinance.
7. The authorization of the variance will be of substantial detriment to adjacent property and that the character of the district will be changed by the granting of the variance.

The motion carried unanimously.

SPECIAL PERMIT #45628

THE PLAINS REDEVELOPMENT CORPORATION (OWNER)

JOSEPH H. SIMPSON (CONTRACT OWNER)

Applicant is requesting special permit approval to locate a contractor's office, shop, and materials storage yard on more than one (1) acre. The subject property is identified as PIN #6979-49-3419-000, contains 2.32 acres, is located south of John Marshall Highway (State Route 55), and is zoned Industrial-2, in Scott District.

Mr. Hodge reviewed the staff report and stated that a site visit was made earlier today.

Mr. Joseph Simpson spoke regarding his request. He stated that he is a General Contractor/Excavator and wants to use the property as such. He further stated that he may lease the property to a tenant with the same use, and with outside storage of material.

Mr. Rider asked Mrs. Bowen if the Zoning Ordinance would allow the sub-leasing of the property, and she indicated that sub-leasing is allowed.

Mr. Rider inquired as to the type of materials that would be stored outside.

Mr. Simpson stated that the materials would be concrete forms, excavating equipment, company vehicles, etc.

Mr. Rider asked Mr. Simpson to explain any changes to the existing road serving the residential property.

Mr. Simpson explained that the existing easement will be maintained and the proposed fencing would not interfere with the use of the easement by Mr. Sanford.

Mr. Rider asked if there would be any storage of stone, and Mr. Simpson indicated that it is usually shipped directly to the job site and not stored at his office.

Mr. Lofdahl asked if the property would be used for residential purposes, and Mr. Simpson stated that it would not.

Mr. Rider asked if anyone wished to speak.

Mr. Jim Carson of Carson, Harris & Associates spoke on behalf of the proposed site plan for his client, Mr. Simpson. He explained the access for the adjacent residential property, and explained that a special permit was required because of using over one (1) acre for the location of a contractor's office, shop, and materials storage yard not being entirely within a building or screened from view.

Mr. Barr inquired as to Virginia Department of Transportation's letter regarding the entrance.

Mr. Simpson explained that he will comply with VDOT's requirements for a commercial entrance.

No one else spoke.

On the motion made by Mrs. Mailler, and seconded by Mr. Meadows, it was moved to grant special permit #45628, after due notice and hearing, as required by Code of Virginia §15.2-2204 and Section 5-009 of the Fauquier County Code, based upon the Board's findings:

1. The proposed use will not adversely effect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance:
 - a. Site plan approval as required.

The motion carried unanimously.

SPECIAL PERMIT AND VARIANCE #45630
FAUQUIER JUNIOR FAIR, INC. (OWNER)
PIEDMONT EQUINE PRACTICE, INC. (CONTRACT OWNERS)

Applicants are requesting special permit approval to locate a veterinary clinic, a variance to construct a barn seven (7') feet from a side property line, wherein the Zoning Ordinance requires one-hundred (100') feet. The subject property is identified as PIN#6070-60-7640-000, located at 4122 Zulla Road (State Route 709), contains 4.00 acres, is zoned Rural Agriculture, in Scott District.

Mr. Hodge reviewed the staff report and stated that a site visit was conducted earlier.

Dr. John Nolan was also present on behalf of Piedmont Equine Practice.

He explained that the proposed Equine Clinic would be approximately 4,200 square feet in size and would be used as office space, and as a clinic. The proposed adjoining barn would be 1,920 square feet and would be used for the stabling of animals held overnight for medical procedures. The third building would be in the future constructed and used as a small animal practice. He explained that the entrance would meet commercial standards as required by Virginia Department of Transportation. He stated that due to a newspaper article of the Fauquier Junior Fair relocating to other property, he contacted the Fauquier Junior Fair regarding the sale of the property. He indicated that the property was advertised for sale for four (4) weeks in the *Fauquier Citizen*, as the owners were concerned about the direct sale.

Mr. Ben Tissue, was present to represent the Piedmont Equine Practice with regard to the proposed site plan. He explained that the proposed request is for a medical/surgical facility for horses and a small animal clinic in the future. He stated that a letter had been received from the Fauquier Livestock Exchange stating they have no problem with the request for a special permit and variance. He further stated that the ITE (6th Edition) does not have a category for this use with regard to traffic counts, but that he estimated about 100 trips per day at full build out, and that the peak hours for the office would not interfere with the morning or afternoon commuter or school traffic.

Mr. Rider stated that the variance requested for the proposed barn/small animal clinic to be located seven (7') feet from a side property line is not practical.

Dr. Nolan stated that since the BZA's site visit earlier in the day, he and Mr. Tissue had reconsidered the location of the proposed barn. He stated that the proposed barn could be roughly re-located sixty-eight (68') feet from the side property line.

Mr. Barr asked if there should be any health concerns regarding the proximity to the existing elementary school.

Dr. Nolan stated that the facility would comply with state regulations. He explained that the manure would be placed into a closed dumpster, most likely with some form of fly control being used. He further stated that with regard to the stabling of horses, it would only be for short periods of time and not long term. He explained that the nature of surgeries that could be performed on site at the facility are "standing procedures" only, and would only require a stay of a day or less.

Mr. Rider asked if anyone wished to speak regarding this request.

Mrs. Sandy Synstad spoke regarding this request. She cited concerns with traffic and the increased use of the facility; sick animals adjacent to school and residential neighborhood; buffering, screening, and soundproofing of the structures; noise; lighting of the facility; well concerns; dust, etc. She stated that she felt the use was inappropriate for this property.

Mr. Bill Downey, School Board member, Scott District and representing the Fauquier County School Board Building Committee, spoke regarding this request. He stated that he did not have time to submit written concerns. He cited concerns with regard to the proximity of the school and buffer between the school and the subject property. Mr. Downey explained that the school may add onto their building and/or parking area in the future, and the existing screening on the school property will probably be changed.

Mr. Meadows asked Mr. Downey if he needed additional time to address his concerns, and he indicated that he did.

Ms. Rita Rowand, member of the Parent Teacher Organization at Coleman Elementary, spoke in opposition to this request. She cited concerns with traffic, buffers, issues relating to safety and health concerns.

Ms. Christin Morrison, an adjoining property owner, spoke in opposition to the variance request. She cited concerns with a buffering of the use from her property.

Mr. Bob Sinclair, Scott District Planning Commission Member spoke and stated the he wanted to make a part of the file, a letter he had received from the PTO at Coleman Elementary.

Ms. Betty McClanahan of 4123 Zulla Road spoke in opposition to this request. She cited concerns with traffic, dust, noise and odor.

Dr. Nolan stated that he did not want to offend the neighbors by establishing the use, and he indicated that he is willing to accept conditions on buffering, paving the access, and/or fencing.

Mr. Lofdahl inquired as to whether the facility would be enclosed, and whether there would be visibility from adjoining property owners of the animals.

Dr. Nolan indicated that the facility would be completely enclosed, soundproofed, and odor controlled. He explained that the outside paddock would be used some to assess mobility in the horses, and the small animals would be leased and walked for exercise. He stated that he wants to install electric gates at the entrance onto Zulla Road for safety reasons.

Ms. Patty Leonard spoke in support of the request, and stated that she felt the use was compatible with the area. She explained that the property was offered to the School Board via Chairman, Broni Lambelet, but, there was no apparent interest. She further explained that the funds derived from the sale of this property are going to be used at the current Junior Fair property.

Mr. Bill Downey spoke regarding the property being offered to the School Board. He confirmed that the School Board had addressed the purchase, however due to the asking price, it was deemed to be too expensive.

Mr. Rider suggested that the request be deferred for 30 days.

On the motion made by Mr. Barr, and seconded by Mr. Meadows it was moved to close the public hearing and defer special permit #45630 until the June hearing.

The motion carried unanimously.

Mrs. Bowen requested that any additional comments, revised plans, and/or new design needs to be submitted by May 22, 2000, and Dr. Nolan agreed he would.

VARIANCE #45638

LANE ENTERPRISES, INC. (OWNER)

Applicant is requesting a variance for an addition to an existing non-conforming building. The proposed addition would contain 120 square feet within the non-conforming area, and would be located 63.2' feet from the centerline of Schoolhouse Road (State Route 805), wherein the Zoning Ordinance requires seventy-five (75') feet. The subject property is identified as PIN#6899-31-2695-000, contains 5.214 acres, located on Schoolhouse Road (State Route 805), is zoned Industrial-2, in Lee District.

Mr. Hodge reviewed the staff report and stated that a site visit was made earlier today.

Mr. L.G. Will of Lane Enterprises was present to speak regarding this request. He stated that he needs to expand the existing office, and is proposing a 20x34 addition. He explained that due to the non-conformity of the property, a portion of this addition requires a variance.

Mr. Rider asked if anyone wished to speak regarding this request.

No one spoke.

On the motion made by Mr. Meadows, and seconded by Mrs. Mailler, it was moved to grant variance #45638, based on the Board's findings, after due notice and hearing, as provided by §15.2-2204 of the Code of Virginia:

1. The property was acquired in good faith; and
2. Strict application of the Ordinance would effectively prohibit or unreasonably restrict use of the property because of the non-conforming existing building.
3. The granting of the variance will alleviate a clearly demonstrable hardship approaching confiscating, and is distinguished from a special privilege or convenience sought by the applicant.

4. The size or shape, exceptional conditions, or extraordinary situation which result in the hardship or restrictions on the use of the applicant's property are due to the non-conforming existing building.

5. The variance will be in harmony with the intended spirit and purpose of the Ordinance, and would result in substantial justice being done.

6. The strict application of the Ordinance will produce undue hardship.

7. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity and is not of so general or recurring a nature as to make reasonably practical the formation of a general regulation to be adopted as an amendment to the Ordinance.

8. The authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

9. The minimum variance that is necessary to afford relief is 11.8 feet from the centerline of Schoolhouse Road.

10. Subject to the following conditions, which are necessary or desirable in furtherance of the intent and purpose of the Ordinance:

(a) Site plan approval as required.

The motion carried unanimously.

OTHER MATTERS:

Mrs. Bowen requested discussion at the June meeting regarding adopting a Public Hearing Protocol policy.

ADJOURNMENT There being no further business before the Board, the meeting adjourned at 5:10 P.M.

William Rider, Chairman

Copies of all files and materials presented to the Board are attached to and become a part of these minutes. A tape recording of the meeting is on file for one year.